Reform in Parliament.

AN

ADDRESS

TO THE

PEOPLE OF ENGLAND,

ON THE ABSOLUTE NECESSITY OF A

REFORM IN PARLIAMENT,

TO WHICH ARE ANNEXED, COMPLETE COPIES OF THE

MAGNA CHARTA,

AND THE

BILL OF RIGHTS

With Explanatory Notes.

BY A TRUE FRIEND TO THE CONSTITUTION, AND NOTHING BUT THE CONSTITUTION.

"England expects every man to do his duty."

NELSON.

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TO THE

ENGLISH NATION.

ENGLISHMEN,

THE Charters following this Address, called MAGNA CHARTA and the BILL OF RIGHTS, formed the Constitution of the country of your forefathers: they ought to have formed the Constitution of your country; but the canker-worm of Corruption has introduced his foul fangs into its fine form, and some of its nobler parts have thereby been mutilated, almost to subversion.

Previously, however, to any discussion on the mutilations committed on these memorable grants, I will attempt to shew from whence the grants themselves originated.

MAGNA CHARTA is looked up to by the people of England as the foundation stone of the English Constitution and of English liberty. King John had no sooner signed this deed, than he found that it set bounds to his power, and which to bear he conceived to be an intolerable disgrace; and all the precautions taken by the Barons, to secure the observance of its articles, seemed barely sufficient to counterbalance the unsettled disposition of the king, surrounded by a circle of unprincipled men, mostly French. They represented to him the injury he had done to himself, in suffering his Barons to deprive him of so much of his regal power. John felt the force of their arguments, and determined, if possible, to free himself from the subjection of the Barons. He wished for revenge, but had neither men nor money to support him in the execution of his ambitious views. At length, when almost driven into a state of despair, by the never-ceasing reproaches of his courtiers, he sent the Bishop of Worcester, the Bishop of Norwich, and others, into France, Germany, Italy, and Flanders, with offers to such as would enter into his service, of the estates of the rebellious Barons—so he termed those friends to patriotism and liberty.

John

John, in the mean time that his agents were busy in raising troops, addressed a letter to the Pope, acquainting him with his situation, and at the same time sent him a copy of the Great Charter, with an intreaty to be absolved from the oath he had taken to observe it. He succeeded at the court of Rome: Pope Innocent III. who felt himself much hurt by his vassal's humiliating situation, swore by St. Peter, that the temerity of the Barons should not go unpunished. He sent them orders to renounce those privileges which they had with so much difficulty obtained, or incur the anger of the Holy See. The Barons, however, disregarding the rage of the Pope, immediately seized on Rochester, at that time a vast magazine of arms and ammunition.

Advice now came to King John, that large bodies of troops, raised by his agents, had arrived at Dover; in fact, the numbers were so great, that although forty thousand men under the conduct of Hugh de Boves are said to have perished at sea, yet there were a sufficient number remaining to awe the Barons.

The king's first undertaking with these mercenaries, was to attack Rochester, which

he carried, although the Barons used every means to throw succours into it. Immediately after this event he divided his army, with an intent to ravage the southern counties. England was now in a most miserable state; two armies of foreigners, rendered bold and bloody by success, and the king's promises, were destroying the country in a merciless manner. The Barons finding their power incompetent to meet the foe in the field, had returned to London: their castles, their houses, and their lands were now laid waste by the enemy; and those great characters, which but a short time before had been the boast of every Englishman blessed with the light of reason, were reduced to the most deplorable condition, which life is capable of sustaining.

The insatiate John seemed to glut his revenge with all that pleasure which plays about the heart of a sanguinary tyrant, intent on the destruction of humanity. He ravaged with fire and sword the counties of Essex, Middlesex, Hertford, Cambridge, and Huntingdon; while Pope Innocent thundered the anathemas of the Church against the distressed Barons and their partizans.

The

The Barons finding their estates plundered and given to foreigners, that last resource of wretchedness, despair, prompted them to offer, as far as in their power lay, the crown of England to Prince Louis, son of King Philip of France. Philip readily embraced the proposition; and, after having received hostages from the Barons, began to make preparations for a descent.

Louis landed soon after at Sandwich, in Kent, without interruption. He marched to Rochester, which he took after a faint resistance; and the whole county of Kent, Dover excepted, became in a very short time under the controul of the *French*. Louis, soon after, became master of the southern counties; Norfolk and Suffolk had likewise submitted to his arms, and the city of York had fallen before the power of his adherents: during which time the base John had the mortification to find his foreign friends, his hired adventurers, were deserting in numbers to his foe. This circumstance, with a variety of others, all tending to affect both the mental and bodily faculties, threw him into a fever, which deprived him of life on the 18th of October 1216, one year and four months after he had signed Magna Charta.

Not

Not even this wicked king, nor any of his successors, with intentions equally unworthy, have yet been able to destroy this glorious work. It has, indeed, been mutilated, but to this hour it remains the corner stone of English liberty; and it is most fervently to be hoped, that nothing short of the general wreck of Nature, will ever shake it to its fall.

The Constitution of England, as established by the above sacred authority, having become much impaired by the encroachments made upon it by some of the English kings, but more particularly by those of the Stuart dynasty, who exceeded all their progenitors in mutilating the venerable fabric; these men formed a court of *Star Chamber*, a court of fine and imprisonment, without the interference of Juries—These men assumed a power of dispensing with the laws—These men exacted money from the people of England, without the authority of parliament—These men endeavoured to establish the power of the pope in England—These men arrogated to themselves divine authority to rule—These men were pensioners to the court of France. One of these men deservedly lost his life on the scaffold, and one of these men probably saved his life by abdication; and

and the descendants of the latter were excluded from the succession to the throne of England for the presumption, the insincerity, and the profligacy of their ancestors. This deluded family ever lost sight of a maxim, which, it is to be hoped, the present exalted family will constantly keep within their view, "*That while* "*they continue true to the people, the people will* "*continue true to them.*"

At the abdication of James, the crown of England was offered to the Prince of Orange, on certain conditions, which were afterwards formed into a Bill, or Charter, and called the *Bill of Rights.* This bill by no means abrogated Magna Charta; it went only to add strength to the weakened part of that great work, and to make some additional amendments thereto, beneficial both to the prince and the people.

Having shewn the means by which our ancestors obtained the two great Charters of our liberties, I come now to the painful task of pointing out the decline of liberty, by the violences committed thereon, by weak or wicked ministers, from time to time.

During

During a period of twenty-five years from the establishment of the Bill of Rights, Corruption may be said almost to have hid its monstrous head; but soon after the introduction of a new family from Germany to the throne of England—a family at that time wholly unacquainted with the laws of the country, or the genius of the people—a plan was formed by some designing courtiers, which presently became a basis for a system of corruption, as complete as the most wicked of men could ever wish or hope for. Sir Robert Walpole was the first minister who dared openly to act upon this system, soon after the commencement of the reign of George II. He was a bold minister, and bribed in the face of day, and presumed to say, "That every "man had his price." Notwithstanding this man's barefacedness in the practice of bribery, he was wanting in the refinement, in the subtleties of the art, as practised by some of his successors in office. The liberty of the subject was, however, less sported with in the reign of George II. than it has been since. The *Habeas Corpus* act was but once suspended during that reign, and that at a time when the most imminent danger threatened the nation from an army of rebels within its own bowels,

bowels, headed by a man who claimed the crown by *jure divino*, divine right—I mean the Pretender, Charles Edward Stuart.

The administration of Lord Bute struck the first great blow at the Constitution since the formation of the Bill of Rights. This was by an attempt to establish a remnant of the old Star-Chamber tyranny, as practised by the first Charles *of glorious memory*, under the name of a general warrant issued from the Secretary of State's office, and signed by the Secretary himself. The first attack by this new weapon, or rather old weapon new polished, was, very fortunately for the country, made on an intrepid character, John Wilkes, member for Aylesbury; who had rendered himself obnoxious to ministers by his bold speeches in the House of Commons, and by his writings without doors. The matter was at length argued in the Court of Common Pleas, Westminster, before Sir Charles Pratt, afterwards Lord Camden, and declared to be illegal. This latter event took place during the short administration of the Marquis of Rockingham, 1765.

The Duke of Grafton next succeeded to office: his strides at power beyond the law

soon manifested itself; and the case of the Freeholders of Middlesex, so far as related to Mr. Wilkes and Colonel Lutterell, must ever stigmatize, not only the ministers, but the venal parliament of the day. In fact, it was the bare-faced corruption of this time that called forth the pen of the admirable Junius; who never ceased to lash the infamy of those concerned in frittering away the rights of the people, till he drove them, with disgrace, from the situations which they were unworthy to fill, into obscurity, if not oblivion.

The Duke of Grafton's administration no sooner closed, than Lord North, previously an under workman, now took the lead in the ministerial work-shop. The American war, and the objects immediately connected therewith, occupied a great part of this administration. Notwithstanding this might be supposed to have been sufficient for the management of any minister, he thought proper also to irritate the people of England by a measure which ought never to be resorted to but in the worst of times:—this was no other than a suspension of the Habeas Corpus act; a measure which had lain dormant since the year

1745

1745. By the suspension of this act the liberties of the people are laid at the foot of the minister: it enables him to imprison any subject, during the suspension, without shewing any cause for so doing, or bringing the supposed offending party to a trial. Thus have Englishmen been, by a complying and venal parliament—a parliament whose majority consisted of placemen and pensioners—consigned to prisons from two to five years; and at length liberated, without trial, or any satisfaction whatever for the injuries sustained either in person or property. The cases of Bingley and Le Maitre, out of many more, will justify me in the above assertion: the ministers, always taking care to cover themselves from the reach of the law, by an act of indemnity.

The North administration, which finished in the early part of 1781, was succeeded by the Rockingham, which was put an end to by the death of the Marquis, and was succeeded by the Shelburne administration; which gave place, very early in 1783, to the coalition, or North and Fox administration: this administration did not stand one whole year. During the Shelburne administration, the American colonies were declared "free and inde-

" pendent states;" and from which time may be dated the decline of the British Empire. During these three short administrations, nothing material was done by ministers that affected the Constitution.

We now arrive at the period of William Pitt's first administration: it will be found replete with aggression against the subject. This man, at the set-out of his career, promised much in favour of the people. The popular son of a popular father, he was, previous to his appointment of prime minister, the clamorous never-ceasing advocate for Parliamentary Reform, " a matter most " devoutly to be wished;" but no sooner had he obtained the summit of office, but his tones lowered, and fell by degrees, from the warm friend into the determined enemy of that measure.

Mr. Pitt had now become, instead of the champion of the people's liberties, the champion of the court; and every act and thing that breathed the warm spirit of liberty, which he had heretofore endeavoured to fan into an enthusiastic flame, he doomed to destruction. Many persons were apprehended on

on charges of high treason ; and among them, John Horne Tooke, a very learned and worthy character, who had, from the early part of the present reign, united with some of the first characters in the kingdom to stem the overwhelming torrent of ministerial corruption. These men were tried by a special commission at the Old Bailey, and acquitted. Mr. Pitt was subpœna'd as an evidence, and examined ; but, to his eternal disgrace, he prevaricated; and pretended to have lost all recollection of his own actions, when at meetings instituted for the promotion of Parliamentary Reform, until reminded thereof in a manner that must have been highly hurtful to the feelings of a man of honour. No sooner were these trials finished, but he introduced a new treason bill into the House of Commons, and it received the royal assent: the old treason act, which had been, from the time of Edward III. found quite sufficient for all its alledged purposes, became now exploded. Many other acts, militating against the liberty of the subject, originated during this man's administration, as well as the ruinous war in which we are at present unfortunately engaged, and to which we must attribute the aggrandizement of France, and the submission of almost all the powers

on

on the European continent, to the yoke of that overwhelming power.

The Addington administration, the second administration of Pitt, the Grenville and Fox, and the Portland administration, have not openly attacked the Constitution; yet, by a kind of side-wind, or by a misconstruction of the Bill of Rights, violent encroachments have been made upon the liberty of the subject, as in the cases of Wakefield, and White and Hart, and of which I shall speak shortly.

Peculators and mal-administrators in various departments of the state have been exposed, if not otherwise punished. Corruption has been found to pervade every office and department of Government that has hitherto come under the investigation of the Committees appointed for that purpose.

The recent inquiry into the conduct of the Duke of York, as Commander in Chief of the army, has thrown a strong light on the features of this devouring monster; and although the vote of a majority of the House of Commons, declaratory of the Duke's innocence of corruption, has passed, it will be, notwithstanding, a difficult

a difficult task indeed for ministers to bring the minds of the people to a belief that he is innocent of connivance also.

It is not only in the departments of the state itself, that Corruption stalks unchecked; but into that "*Imperium in Imperio*," that injurious monopoly, the India Company, it has also found its way. Indeed, we never expected virtue to spring out of such ill-composed materials as the union sovereignty and traffic: a sovereign and a merchant will never amalgamate. Writerships and cadetships have been sold in a variety of instances, through the industrious agency of Tahourdin and Shee, a pair of men calling themselves Solicitors, but better known by the name of Lawyers; and it appears from the debates at the India House, on Friday, April 7, that no less than eleven Directors were implicated in the nefarious traffic. It is most fervently to be hoped, that the law will be sufficiently strong to reach all or any of them found guilty of such a gross and scandalous abuse both of their patronage and their oath.

In the city, attempts to render the 5th section of the Bill of Rights a dead letter, was made by

by the Mayor, *Charles Flower*, by refusing a Common Hall, under a requisition, according to law and usage. This weak man (not to use a harsher phrase) presumed to dictate to the citizens, and place his own very moderate judgment in competition with that of men of real abilities, enlightened understanding, and eloquence. He was, however, at length, obliged to comply with the wishes of the citizens; and that body compelled him to put a vote of censure on his own conduct, and it passed with very few dissents in a Hall, composed of five thousand persons. The Court of Common Council have also expressed most fully their opinion on the subject of corruption, and also on the conduct of the majority in Parliament in favour of the Duke of York. In Resolution V. they declare, that "they (the majority of Parliament) voted "in direct contradiction to the evidence pro-"duced." This declaration, or resolution of the citizens, falls very little short of a vote of infamy, and places them and the majority of Parliament at issue; one or the other must be right, and the people at large are the umpire in this great question. The citizens of London have ever been looked up to by the nation at large, as the assertors of true liberty. Whenever the state has appeared to be in danger, either from the

the misconduct of the monarch, or from a licentious spirit in the people, the rule of their conduct has been uniformly to support right; and the example set by them has been, in almost every instance, followed by all other corporations of consequence in the kingdom. The present conduct of the citizens will do them honour so long as liberty remains in England; and has shown them as men, worthy of a place by the side of those immortal worthies, our ancestors, who brought about the glorious Revolution in 1688.

I will now speak of some of the most striking recent encroachments on the English Constitution, agreeable to the promise made a few pages back.

The 10th section of the Bill of Rights is thus expressed—"*That excessive bail ought not to be* "*required, nor excessive fines imposed, nor cruel* "*or unusual punishments inflicted.*" It is fine, it is beautiful in itself, and breathes that heavenly spirit of mercy, that every man of common understanding must admire. This section appears to me to be very plain, even to the conceptions of men of ordinary talents; it ought to appear at least as clear, and to be

as well understood by those of more enlightened minds and superior education. Notwithstanding which, excessive bail, or surety, has been required. The case of Lord G. Gordon, for a libel on Antoinette, the infamous and last queen of France, is in point, and which caused that unfortunate, and I will say ill-advised man to terminate his existence in prison: I think the prison was Newgate.

Excessive fines have also been demanded—I here allude to the case of Dickie, the Stationer. I will not, in this place, go into an investigation of the character of this man; I mean only to say, that in consequence of the excessive fine imposed as a retribution for his criminality, and which it was out of his power to pay, he lingered many years in prison, and in prison he ultimately died.

The third part of the 10th section appears to apply directly in point to several recent cases. In fact, not only the letter, but the very spirit, here go hand in hand: the words *cruel* and *unusual* want no definition; they speak for themselves. Our ancestors spoke thus plain, because no misconstruction should be put upon the words of the Charter, every syllable

syllable of which is so simple, that it is immediately understood by the most inferior capacity, on the first reading. The Rev. Gilbert Wakefield was convicted for publishing a libel in either the city of London or county of Middlesex; and his sentence went to confine him in the gaol of Dorchester, instead of the county-gaol of Middlesex, or Newgate. The case of White and Hart is directly in point with Wakefield's case. These men were, one the printer or editor, and the other the publisher, of a weekly newspaper: they were convicted of printing and publishing two libels in the city of London; and the punishment was partly by fine, and partly by imprisonment, not in the gaol of the city of London, where they had committed the offence, but in Dorchester and Gloucester gaols, situated in counties or districts wherein it was not even stated that they had committed any the least offence. These punishments appear to strike both at the letter and spirit of the Bill of Rights; and if such is the construction put by some men on this part of our Constitution—and such construction appears now to be the leading point of our law-courts—county and district gaols are at once rendered useless, as far as relates to their original institution; and one general depôt, in

some remote corner of the island will best suit the disposition of some interpreters of that most excellent code of jurisprudence, established by our invaluable Constitution at the ever memorable and glorious Revolution, after the abdication of the bigotted king and villain, James II. These infringements, however, do not attach to the present ministers, or the present judges; they had been previously established under the administrations of North and Pitt, and were now grown into use from precedent.

Another encroachment on the rights of the people, and that of a gross and aggravated nature, I will now adduce:—the act empowering Justices of the Peace to try and determine certain causes in a "summary way;" that is to say, without the assistance of a jury, and from whose decision there is no appeal. This act is a direct attack on the 46th section of Magna Charta, which see in its proper place. The cases already quoted will be sufficient to shew, that a conspiracy against the liberties of the people has existed many years. I have only marked here some of its footsteps, from the accession of Lord Bute into power, in 1762; many more may be adduced, were it necessary to make any further observations thereon.

One

One concluding sentence, and I finish my address to my countrymen. The subject of Parliamentary Reform seems once more to engross the attention of the people. The 8th section of the Bill of Rights declares, "*that elections of Members of Parliament ought to be free*;" by which it is certainly implied, that there ought not to be any interference in elections, and that the representation ought to proceed from the electors, and the electors only. How can we then reconcile with this declaration, the elections, as they are termed, in those boroughs under the immediate influence, or rather, in the gift of certain noble and opulent families*, who, from

* In the Court of Common Council it was stated, that 17 Peers and 92 Commoners returned 368 members to the House of Commons; and in one of the resolves of the said body they declare, "*that it appears by a report of a Committee of the House of Commons, that 78 Members of that House are in the receipt of £178,994 per annum out of the public money.*" In another part of their resolutions they declare, that "if any doubt could remain as to the baneful effect of "such influence, it has been sufficiently exemplified by the "rejection of Mr. Wardle's late proposition in parliament, "against the most conclusive evidence, and unequivocal "sense of the country, and where it appeared that all his "Majesty's ministers, all the placemen, and all the pensioners, then present, (stated to be 81 in number) voted "against the said proposition; while in the minority of "125,

from among themselves, and not by the free suffrage of the people, elect nearly half of what is called the representation of the people of England. Nearly all the boroughs of Wiltshire and Cornwall, and many others in different counties, are rendered useful only to their patrons; and it is impossible to speak otherwise than indignantly, when we find such places as Old Sarum, Gatton, and many others, some quite destitute of votes, and others nearly so, sending members to Parliament; while the flourishing towns of Manchester, Glasgow, Leeds, Birmingham, and Sheffield, each with a population from thirty thousand to eighty thousand souls, as appears by the *census* taken in 1801, remain without any representation whatever in the Commons' House of Parliament. This is a matter which cries loudly for remedy; and it must be remedied if it is not remedied shortly by prudent measures, it will ultimately find its own remedy, and very probably in violence.

Let it be considered, that taxation has nearly reached its climax; that one seventh, by the best calculation, of all the people of England are

" 125, not one minister, not one placeman, not one pen-
" sioner, and only one naval and military commander was
" to be found."

paupers;

paupers; that luxury pervades almost every rank of society; that the cry of corruption in the state comes from every mouth, and the cry of Reform! Reform! proceeds from every tongue, and reverberates upon every ear, throughout the kingdom; that religion and morality are smiled at as useless in modern society; that public virtue is lost, because men obtain seats in parliament, by purchase or patronage, without possessing honour, honesty, or national pride—When we have an enemy almost at our doors as fertile in projects as he is successful in their execution—Think of these things, ye, whose duty it is to apply, at least the palliative, if not the caustic, to the sores which threatens death to the Body Politic; and when you have considered these things well, and determine that this is not the proper season for Reform, at least acknowledge your infatuation, and rush upon perdition.

L.

MAGNA CHARTA;

OR THE

GREAT CHARTER

OF

LIBERTIES,

Granted by King JOHN *to the* PEOPLE *of* ENGLAND, *on the 15th Day of June*, 1215*.

JOHN, by the grace of God, King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Earl of Anjou; to the archbishops, bishops, abbots, earls, barons, justiciaries of the forests, sheriffs, governors, officers, and to all bailiffs, and other his faithful

* Taken from an authentic copy of the original, in the Cottonian library at Oxford.

The Notes at the bottom referred to by the letters (*a*), (*b*), &c. are such paragraphs as are to be found in the *Magna Charta* extant in Matthew Paris, (p. 255.) and which are left out in the Cottonian copy. All insertions within these marks [ ] are the clauses omitted in the *Magna Charta* of Henry III. The reader will therefore find here a faithful copy of the Cottonian library Charter, as also that of Matthew Paris, and that of Henry III.

subjects

subjects, greeting. Know ye, that We*, in the presence of God, and for the health of our soul, and the souls of our ancestors, and heirs, and to the honor of God, and the exaltation of his holy church, and amendment of our kingdom, by advice of our venerable fathers, Stephen archbishop of Canterbury, primate of all England, and cardinal of the holy Roman church; Henry archbishop of Dublin, William bishop of London, Peter of Winchester, Jocelin of Bath and Glastonbury, Hugh of Lincoln, Walter of Worcester, William of Coventry, Benedict of Rochester, bishops; and Master Pandulph, the Pope's sub-deacon and ancient servant; brother Aymerick, master of the Temple in England, and the noble persons William Marescall earl of Pembroke, William earl of Salisbury, William earl of Warren, William earl of Arundel, Alan de Galoway constable of Scotland, Warin Fitz-Gerald, Peter Fitz-Herebert, and Hubert de Burgh seneschal of Poictou, Hugh de Neville, Matthew Fitz-Herebert, Thomas Basset, Alan Basset, Philip de Albiney, Robert de Ropele, John Marescall, John Fitz-Hugh, and others our liegemen; have in the first place granted to God, and

* King John was the first of the kings of England, who in his grants wrote We. (Coke's Institutes, p. 2.)

by this our present Charter, confirmed for us and our heirs for ever.

1. That the church of England shall be free *, and enjoy her whole rights and liberties inviolable †. And we will have them so to be observed, which appears from hence, that the freedom of elections, which was reckoned most necessary for the church of England ‡, of our own free will and pleasure we have granted and confirmed by our Charter, and obtained the confirmation of, from Pope Innocent the Third, before the discord between Us and our barons, which Charter we shall observe, and do will it to be faithfully observed by our heirs for ever.

2. We have also granted to all the freemen of our kingdom, for us and our heirs for ever, all the underwritten liberties, to have and to hold them and their heirs, of Us and our heirs.

* The goods and possessions of Ecclesiastics shall not be liable to oppression, but yield only lawful duties. (Coke, p. 2.)

† Ecclesiastics receive from this grant nothing more than a confirmation of their ancient privileges. (Coke, p. 3.)

‡ See Rapin, page 267, col. 1.

3. If

3. If any of our earls*, or barons, or others, who hold of Us in chief by military service, shall die, and at the time of his death his heir shall be of full age, and owe a relief, he shall have his inheritance by the ancient relief†; that is to say, the heir or heirs of an earl, for a whole earl's barony, by a hundred pounds; the heir or heirs of a baron, for a whole barony, by a hundred pounds‡; the heir or heirs of a knight, for a whole knight's fee, by an hundred shillings at most; and he that oweth less shall give less, according to the ancient custom of fees.

* At this time the titles of Duke, Marquis, and Viscount, were unknown in England. (See Rapin, p. 149, 150; and Selden's Titles of Honor.

† The relief of an Earl, as set down in the laws of William I. was, eight horses saddled and bridled, four helmets, four coats of mail, four shields, four spears, four swords, four chafers, and one palfrey bridled and saddled. The relief of a Baron was one half of the above, together with the palfrey. That of a vavasor, or great vassal, to his lord, his best horse, his helmet, coat of mail, shield, spear, sword; or, in lieu of these, one hundred shillings, &c. &c. (Coke, p. 7.)

‡ The Cottonian copy has it as above; but it should be *marks* in lieu of *pounds*. (Coke, p. 7.)

4. But if the heir of any such shall be under age, and shall be in * ward (*a*), when he comes of age, he shall have his inheritance without relief or without fine (*b*).

5. The warden of the land of such heir, who shall be under age, shall take of the land of such heir only reasonable issues, reasonable customs, and reasonable services †; and that without destruction and waste of the men or things *(c)*. And if we shall commit the guardianship of these lands to the sheriff, or any other, who is answerable to us for the

(*a*) [His lord shall not have the wardship of him, nor his land, before he hath received his homage; and after such heir shall be in ward, and shall attain to the age of twenty-one years.]

(*b*) [Yet so, that if he be made a knight § while he is under age, nevertheless the lands shall remain in the custody of the lord, until the aforesaid time.]

(*c*) [Upon the estate.]

* Heirs of the king's tenants, while under age, were said to be in ward.

† By *Issues* are meant rents and profits, customs, advowsons, commons, strays, fines, &c. By *Services*, the labour due from copyholders to their lords. (Rapin, p. 150, and Notes; and Coke, p. 12, 13.)

§ By being made a knight, the heir was out of ward as to his body; but the land remained in custody of the lord. (Coke, p. 11.)

issues

issues of the land; and if he shall make destruction and waste upon the ward-lands, we will compel him to give satisfaction, and the land shall be committed to two lawful and discreet tenants of that fee, who shall be answerable for the issues to us, or to him whom we shall assign. And if we shall give or sell the wardship of any such lands to any one, and he makes destruction or waste upon them, he shall lose the wardship, which shall be committed to two lawful and discreet tenants of that fee, who shall in like manner be answerable to us, as hath been said.

6. But the warden, so long as he shall have the wardship of the land, shall keep up and maintain the houses, parks, warrens, ponds, mills, and other things pertaining to the land, out of the issues of the same land; and shall restore to the heir, when he comes of full age, his whole land stocked with ploughs and carriages, according as the time of wainage shall require, and the issues of the land can reasonably bear *(a)*.

(a) [And all these things shall be observed in the custodies of vacant archbishopricks, bishopricks, abbies, priories, churches, and dignities which appertain to us; except that these wardships are not be sold.]

7. Heirs

7. Heirs shall be married without disparagement *, [so as that before matrimony shall be contracted, those who are nearest to the heir in blood shall be made acquainted with it.]

8. A widow, after the death of her husband, shall forthwith, and without any difficulty, have her marriage †, and her inheritance; nor shall she give any thing for her dower, or her marriage, or her inheritance, which her husband and she held at the day of his death: And she may remain in the capital messuage or mansion house of her husband, forty days after his death; within which term her dower shall be assigned (*a*).

(*a*) [If it was not assigned before, or unless the house shall be a castle; and if she departs from the castle, there shall forthwith be provided for her a complete house, in which she may decently dwell, till her dower be to her assigned as hath been said; and she shall in the mean time have her reasonable *Estover* (competent maintenance) out of the common [Revenue.] And there shall be assigned to her for her dower, the third part of her husband's lands, which were his in his life time, except she were endowed with less at the church door.]

* Under his degree.

† Liberty to marry where she will.

9. No

9. No widow shall be destein'd * to marry herself so long as she has a mind to live without a husband. But yet she shall give security that she will not marry without our assent, if she holds of Us; or without the consent of the lord of whom she holds, if she holds of another.

10. Neither we nor our bailiffs † shall seize any land ‡ or rent for any debt, so long as there shall be chattels of the debtor's upon the premises, sufficient to pay the debt *(a)*. Nor shall the sureties of the debtor be destrained, so long as the principal debtor is sufficient for the payment of the debt.

11. And if the principal debtor fail in the payment of the debt, not having wherewithal to discharge it *(b)*, then the sureties shall answer the debt, and, if they will, they shall have the lands and rents of the debtor, until they shall be satisfied for the debt which they

(a) [And that the debtor be ready to satisfy it.]
(b) [Or will not discharge it when he is able.]

* Compelled by seizing her goods.

† Sheriffs and their officers. (Coke, p. 19.)

‡ Previous to this grant, the king could take the body, lands, and goods of the debtor. (Coke, *ibid.*)

paid

paid for him; unless the principal debtor can show himself acquitted thereof, against the said sureties.

12. [If any one have borrowed any thing of the Jews, more or less, and dies before the debt be satisfied, there shall be no interest paid for that debt, so long as the heir is under age, of whomsoever he may hold: and if the debt falls into our hands, we will take only the chattels mentioned in the Charter or instrument.]

13. [And if any one shall die indebted to the Jews, his wife shall have her dower, and pay nothing of that debt; and if the deceased left children under age, they shall have necessaries provided for them according to the tenement (or real estate) of the deceased, and out of the residue the debt shall be paid; saving however the service of the lords. In like manner let it be with the debts due to other persons than Jews.]

14. No *Scutage* * or aid shall be imposed in our kingdom, unless by the common coun-

* Military service, due to the king from the tenants in chief. (Rapin.)

cil

cil of our kingdom, except to redeem our person, and to make our eldest son a knight, and once to marry our eldest daughter; and for this there shall only be paid a reasonable aid.

15. [In like manner it shall be concerning the aids of the city of London; and] the city of London shall have all its ancient liberties and free customs, as well by land as by water.

16. Furthermore, we will and grant that all other cities and boroughs, and towns *(a)*, and ports, shall have all their liberties and free customs; and shall have the common council of the kingdom concerning the assessment of their aids, except in the three cases aforesaid.

17. [And for the assessing of scutages we shall cause to be summoned the archbishops, bishops, abbots, earls, and great barons of the realm, singly by our letters.]

(a) [And barons of the Cinque ports*.]

* The Cinque ports are in the county of Kent, and have great privileges. (Rapin.)

18. [And

18. [And furthermore, we shall cause to be summoned in general by our sheriffs and bailiffs, all others who hold of us in chief*, at a certain day, that is to say, forty days (before their meeting) at least, to a certain place; and in all letters of such summons, we will declare the cause of the summons.]

19. [And summons being thus made, the business shall proceed on the day appointed, according to the advice of such as shall be present, although all that were summoned come not.]

20. We will not for the future grant to any one, that he may take aid of his own free-tenants, unless to redeem his body; and to make his eldest son a knight, and once to marry his eldest daughter; and for this there shall only be paid a reasonable aid.

21. No man shall be distreined to perform more service for a knight's fee, or other free tenement, than is due from thence.

* It appears by this article that none but tenants in chief, had a right to sit in the common-council, or parliament. (Rapin.)

22. Common

22. Common Pleas shall not follow our court but shall be holden in some certain place: trials upon the writs of *Novel Disseisin*, and of *Mort d'Ancestor*, and of *Darreine Presentment* *, shall be taken but in their proper counties, and after this manner: We, or (if we shall be out of the realm) our chief justiciary, shall send two justiciaries through every county four times a year; who, with the four knights chosen out of every shire by the people, shall hold the said assizes in the county, on the day, and at the place appointed.

23. And if any matters cannot be determined on the day appointed to hold the assizes in each county, so many of the knights and freeholders as have been at the assizes afore-

* A writ of *Assize* of *Novel Disseisin* lies, where a tenant, for ever, or for life, is put out and desseised of his lands or tenements, rents, common of pasture, common way, or of an office, toll, &c. that he may recover his right. (G. Jacob.) A writ of *Mort d'Ancestor* is that which lies where any near relations of a man die, seized of lands, rents, or tenements, and after his death, a stranger seizes them.——A writ of *Darreine Presentment* lies, where a man or his ancestors have presented to a church, and after it has become void, a stranger presents thereto, whereby the person having right is disturbed. (*Id.*)

said, shall be appointed to decide them, as is necessary, according as there is more or less business (*a*).

24. A free man * shall not be amerced for a small fault, but according to the degree of the fault; and for a great crime, in proportion to the heinousness of it, saving to him his contenement †, and after the same manner a merchant, saving to him his merchandise.

25. And a villain (*b*) shall be amerced after the same manner, saving to him his wainage ‡, if he falls under our mercy; and none of the aforesaid amerciaments § shall be assessed, but by the oath of honest men of the neighbourhood (*c*).

(*a*) [Assizes of *Darriene Presentment* to churches, shall be always taken before the justiciaries of the bench.]

(*b*) [Of any other than our own.]

(*c*) [Of the county.]

* A Freeholder.

† The means of livelihood, such as tools, implements, &c.

‡ Carts and implements of husbandry.

§ Pecuniary punishment of an offender, against the king. (Jacob.)

26. Earls

26. Earls and barons shall not be amerced but by their peers*, and according to the quality of the offence.

27. No ecclesiastical person shall be amerced, but according to the proportion aforesaid, and not according to the value of his ecclesiastical benefice.

28. Neither a town, nor any person, shall be distreined to make bridges over rivers, unless that anciently, and of right they are bound to do it (*a*).

29. No sheriff, constable †, coroners, or other our bailiffs, shall hold pleas of the crown.

30. [All counties, hundreds, wapentakes, and trethings, shall stand at the old ferm, without any encrease, except in our demesne lands.]

31. If any one that holds of us a lay fee,

(*a*) [No river for the future shall be embanked, but what was embanked in the time of King Henry our grandfather.]

* Equals.

† Constable of a castle. Men in ancient times of great authority.

dies,

dies, and the sheriff or our bailiff show our letters-patent of summons concerning the debt, due to us from the deceased; it shall be lawful for the sheriff or our bailiff to attach and register the chattels of the deceased found upon his lay-fee, to the value of the debt, by the view of lawful men, so as nothing be removed until our whole debt be paid; and the rest shall be left to the executors to fulfil the will of the deceased: and if there be nothing due from him to us, all the chattels shall remain to the deceased, save to his wife and children their reasonable shares.

32. [If any freeman dies intestate, his chattels shall be distributed by the hands of his nearest relations and friends, by view of the church, saving to every one his debts, which the deceased owed.]

33. No constable or bailiff of ours shall take corn or other chattels of any man (*a*), unless he presently gives him money for it, or hath respite of payment from the seller (*b*).

(*a*) [Who is not of the town where the castle is.]

(*b*) [But if he be of the same town, he shall pay him within forty days.]

34. No constable shall distrein any knight to give money for castle-guard, if he himself shall do it in his own person, or by another able man, in case he shall be hindered by any reasonable cause.

35. And if We shall lead him, or if we shall send him into the army, he shall be free from castle-guard, for the time he shall be in the army, by our command (*a*).

36. No sheriff or bailiff of ours, or any other, shall take horses or carts of any for carriage (*b*).

37. Neither shall We or our officers or others, take any man's timber for our castles, or other uses, unless by the consent of the owner of the timber (*c*).

38. We will retain the lands of those that

(*a*) [For the fee, for which he did service in the army.]

(*b*) [Without paying according to the rate anciently appointed; that is to say, for a cart and two horses, ten-pence a day; and for a cart and three horses, fourteen-pence a day.]

(*c*) No demesne cart of any ecclesiastical person, or knight, or any lady, shall be taken by our officers

are

are convicted of felony but one year and a day, and then they shall be delivered to the lord of the fee.

39. All Weares for the time to come shall be demolished in the rivers Thames and Medway, and throughout all England, except upon the sea-coast.

40. The writ which is called *Præcipe**, for the future, shall not be granted to any one of any tenement, whereby a freeman may lose his cause.

41. There shall be one measure of wine, and one of ale, through our whole realm; and one measure of corn, that is to say, the London quarter; and one breadth of dyed cloth and russets and haberjects†, that is to say, two ells within the list; and the weights shall be as the measures.

42. From henceforward nothing shall be

* The writ called *Præcipe quod reddat.* It signifies in general an order from the king, or some court of justice, to put in possession any person complaining of having been unjustly put out.

† A sort of coarse cloth.

given

given or taken for a writ of inquisition*, from him that desires an inquisition of life or limbs, but shall be granted *gratis*, and not denied.

43. If any one holds of us by fee-farm, or socage, or burgage†, and holds lands of another by military service, We will not have the wardship of the heir or land, which belongs to another man's fee, by reason of what he holds of Us by fee-farm, socage, or burgage: nor will we have the wardship of the fee-farm, socage, or burgage, unless the fee-farm is bound to perform military service.

44. We will not have the wardship of an heir, nor of any land, which he holds of another by military service, by reason of any *petit serjeanty* he holds of us, as by the service of giving us daggers, arrows, or the like.

* A writ directed to the sheriff, to enquire whether a man sent to prison on suspicion of murder, was committed on just cause of suspicion, or only out of malice. (Jacob.)

† To hold in *Fee-Farm*, is, when there is some rent reserved by the lord, upon granting the tenancy. To hold in *Socage*, is, upon condition of ploughing the lord's land, and doing other offices of husbandry. And to hold in *Burgage*, is, when the inhabitants of a borough pay the king a certain rent for their tenements.

45. No bailiff for the future shall put any man to his law*, (*a*) upon his single accusation, without credible witnesses produced to prove it.

46. No freeman shall be taken, or imprisoned, or disseis'd (*b*), or out-law'd, or banished, or any ways destroyed; nor will we pass upon him, or commit him to prison, unless by the legal judgment of his peers, or by the law of the land †.

47. We will no sell to no man, we will deny no man, nor defer right or justice.

48 All merchants (*c*) shall have safe and secure conduct to go out of, and come into England‡; and to stay there, and to pass, as well by land as by water; to buy and sell by the

(*a*) [Not to an oath.]
(*b*) [Of his freehold or liberties, or free customs.]
(*c*) [Unless they be publicly prohibited.]

* To take his oath.

† Legal process, trial by a jury of equals. (Dr. Brady.)

‡ By some ancient laws of England, foreign merchants were forbid to come into the kingdom, except in fair times, and were not allowed to continue therein more than forty days. (Coke, p. 57.)

ancient

ancient and allowed customs, without any evil tolls, except in time of war, or when they shall be of any nation in war with us.

49. And if there shall be found any such in our land in the beginning of a war, they shall be attached, without damage to their bodies or goods, until it may be known unto us, or our chief justiciary, how our merchants be treated in the nation at war with us: and if ours be safe there, they shall be safe in our land.

50. [It shall be lawful for the time to come, for any one to go out of our kingdom, and return safely and securely by land or by water, saving his allegiance to us; unless in time of war by some short space for the common benefit of the kingdom, except prisoners and out-laws, (according to the law of the land) and people in war with Us, and merchants who shall be in such condition as is above mentioned.]

51. If any man holds of any escheat, as of the honour of Wallingford, Nottingham, Bologne, Lancaster, or of other escheats which are in our hands, and are baronies, and dies, his heir shall not give any other relief, or perform any other service to Us than he would to the

 baron,

baron, if the barony were in possession of the baron ; We will hold it after the same manner the baron held it (*a*).

52. [Those men who dwell without the forest, from henceforth shall not come before our justiciaries of the forest upon summons, but such as are impleaded, or are pledges for any that were attached for something concerning the forest] (*b*).

53. We

(*a*) Nor will we by reason of such barony or escheat, have any escheat or wardship of any of our men, unless he that held the barony or escheat, held of us in chief elsewhere.

(*b*) [No County-court for the future shall be holden but from month to month; and where there used to be a greater interval, let it be so continued. Neither any sheriff, or his bailiff, shall keep his turn in the hundred oftener than twice in a year, and only in the accustomed place; that is, once after Easter, and once after Michaelmas; and the view of *Frank-pledge* shall be held after Michaelmas, without occasion*, and so that every one shall have his liberties, which he had and was wont to have in the time of King Henry our grandfather, or such as he obtained afterwards. But the view of *Frank-pledge* shall be so made, that our peace may be kept, and that the tything be full, as it was wont to be. And the sheriffs shall not seek occasions†, but shall be content with what the sheriff was wont to have, for making his view, in

* Without oppression. (Dr. Brady.)

† Causes to oppress any man. (*ibid.*)

the

53. We will not make any justiciaries, constables, sheriffs, or bailiffs, but what are knowing in the law of the realm, and are disposed duly to observe it.

54. All barons, who are founders of abbies, and have charters of the Kings of England for the advowson, or are entitled to it by an-

the time of King Henry our grandfather. For the time to come it shall not be lawful for any man to give his land to a religious house, so as to take it again, and hold it of that house. Nor shall it be lawful for any religious house to receive land, so as to grant it to him again of whom they received it, to hold of him. If any man for the future shall so give his land to a religious house, and be convicted thereof, his gift shall be void, and the land shall be forfeited to the lord of the fee*. Scutage for the future shall not be taken, as it was used to be taken in the time of King Henry our grandfather. [And that the sheriff shall oppress no man, but be content with what he was wont to have.] Saving to the archbishop, bishops, abbots, priors, templers, hospitallers, earls, barons, knights, and all others, as well ecclesiastics as seculars, the liberties and free customs which they had before: These being Witnesses, &c.

* By holding lands of the church, the service due from the fees, which were intended for the defence of the kingdom, were unjustly withdrawn; and the chief lords lost thereby the escheats, wardships, reliefs, &c. Many ways were found to evade the force of this law, until an effectual stop was put thereto, by the statute of *Mortmain*, 7 Edward II.

cient

cient tenure, may have the custody of them, when void, as they ought to have.

55. All woods that have been taken into the forests *(a)* in our own time, shall forthwith be laid out again *(b)*, and the like shall be done with the rivers that have been taken or fenced in by us, during our reign.

56. All evil customs concerning forests, warrens, and foresters, warreners, sheriffs, and their officers, rivers, and their keepers, shall forthwith be enquired into in each county, by twelve knights of the same shire, chosen by the most creditable persons in the same county, and upon oath; and, within forty days after the said inquest, be utterly abolished, so as never to be restored (*c*).

57. We will immediately give up all hostages and engagements, delivered unto us by our English subjects, as securities for their keeping the peace, and yielding us faithful service.

(*a*) [By King Richard our brother.]

(*b*) [Unless they were our demesne woods.]

(*c*) [No freeman for the future shall give or sell any more of his land, but so that, out of the residue, the service due to the lord of the fee may be sufficiently performed.]

58. We

58. We will entirely remove from our bailiwicks the relations of Gerard de Athyes, so as that for the future they shall have no bailiwick in England. We will also remove Engelard de Cygony, Andrew, Peter, and Gyon de Canceles, Gyon de Cygony, Geoffrey de Martyn and his brothers, Philip Mark and his brothers, and his nephew Geoffrey, and their whole retinue.

59. And as soon as peace is restored, we will send out of the kingdom all foreign soldiers, cross-bowmen, and stipendiaries, who are come with horses and arms, to the injury of our people,

60. If any one hath been dispossessed, or deprived by us without the legal judgment of his peers, of his lands, castles, liberties or right, we will forthwith restore them to him; and if any dispute arises upon this head, let the matter be decided by the five and twenty barons hereafter mentioned *, for the preservation of the peace.

61. As

* According to Matthew Paris, p. 262, their names were, the Earls of Clare, Albemarle, Glocester, Winchester, Hereford, Earl Roger, Earl Robert, Earl Marescall junior, Robert Fitz-

61. As for those things, of which any person has, without the legal judgment of his peers, been dispossessed or deprived, either by King Henry our father, or our brother King Richard, and which we have in our hands, or are possessed by others, and we are bound to warrant and make good, we shall have a respite, till the term usually allowed the croises; excepting those things about which there is a suit depending, or whereof an inquest hath been made by our order, before we undertook the crusade. But when we return from our pilgrimage, or if we do not perform it, we will immediately cause full justice to be administered therein.

62. The same respite we shall have for disafforesting the forests, which Henry our father, or our brother Richard have afforested; and for the wardship of the lands which are in another's fee, in the same manner as we

Fitz-Walter senior, Gilbert de Clare, Eustace de Vesci, Hugh Bigod, William de Munbray, Gilbert de Laval, Robert de Ros, Richard de Perci, John Fitz-Robert, William Malet, Geoffrey de Say, Roger de Munbray, William de Huntingfield, Richard de Muntfichet, William de Albany, the Mayor of London, and the Constable of Chester.

have

have hitherto enjoyed those wardships, by reason of a fee, held of us by knight's service; and for the abbies founded in any other fee than our own, in which the lord of the fee claims a right. And when we return from our pilgrimage, or if we should not perform it, we will immediately do full justice to all the complainants in this behalf.

63. No man shall be taken or imprisoned, upon the appeal of a woman, for the death of any other man than her husband.

64. All unjust and illegal fines, and all amerciaments imposed unjustly, and contrary to the law of the land, shall be entirely forgiven, or else be left to the decision of the five and twenty barons hereafter mentioned for the preservation of the peace, or of the major part of them, together with the aforesaid Stephen archbishop of Canterbury, if he can be present, and others whom he shall think fit to take along with him. And if he cannot be present, the business shall notwithstanding go on without him. But so that, if one or more of the aforesaid five and twenty barons be plaintiffs in the same cause, they shall be set aside, as to what concerns this particular

affair; and others be chosen in their room out of the said five and twenty, and sworn by the rest to decide that matter.

65. If we have disseised or dispossessed the Welsh of any lands, liberties, or other things, without the legal judgment of their peers, they shall immediately be restored to them. And if any dispute arises upon this head, the matter shall be determined in the Marches, by the judgment of their peers. For tenements in England according to the law of England. For tenements in Wales according to the law of Wales. The same shall the Welsh do to Us and our subjects.

66. As for all those things, of which any Welshman hath, without the legal judgment of his peers, being disseised or deprived, by King Henry our father, or our brother King Richard, and which we either have in our hands, or others are possessed of, and we are obliged to warrant it; we shall have a respite till the time generally allowed, the croises: excepting those things about which a suit is depending, or whereof an inquest has been made by our order, before we undertook the crusade. But when we return, or if we stay at home

home and do not perform our pilgrimage, we will immediately do them full justice according to the laws of the Welsh, and of the parts afore-mentioned.

67. We will without delay dismiss the son of Lewelin, and all the Welsh hostages, and release them from the engagements they entered into with Us, for the preservation of the peace.

68. We shall treat with Alexander King of Scots, concerning the restoring of his sisters and hostages, and his right and liberties, in the same form and manner as we shall do to the rest of our barons of England; unless by the engagements which his father William late King of Scots hath entered into with us it ought to be otherwise; and this shall be left to the determination of his peers in our court.

69. All the aforesaid customs and liberties which we have granted, to be holden in our kingdom, as much as it belongs to us towards our people; all our subjects, as well clergy as laity, shall observe as far as they are concerned, towards their dependents.

 70. And

70. And whereas, for the honour of God, and the amendment of our kingdom, and for quieting the discord that has arisen between Us and our barons, we have granted all the things aforesaid; willing to render them firm and lasting, we do give and grant our subjects the following security; namely, that the barons may choose five and twenty barons of the kingdom, whom they think convenient, who shall take care, with all their might, to hold and observe, and cause to be observed, the peace and liberties we have granted them, and by this our present Charter confirmed. So as that if we, our justiciary, our bailiffs, or any of our officers, shall in any case fail in the performance of them, towards any person; or shall break through any of these articles of peace and security, and the offence is notified to four barons, chosen out of the five and twenty afore-mentioned, the said four barons shall repair to Us, or our justiciary if we are out of the realm, and laying open the grievance, shall petition to have it redressed without delay; and if it is not redressed by Us, or, if we should chance to be out of the realm, if it is not redressed by our justiciary, within forty days, reckoning from the time it has been notified to Us, or to our justiciary

if

if we should be out of the realm; the four barons aforesaid shall lay the cause before the rest of the five and twenty barons; and the said five and twenty barons, together with the community of the whole kingdom, shall distrain and distress Us all the ways possible; namely, by seizing our castles, lands, possessions, and in any other manner they can, till the grievance is redressed according to their pleasure, saving harmless our own person, and the person of our queen and children; and when it is redressed, they shall obey Us as before.

71. And any person whatsoever in the kingdom may swear that he will obey the orders of the five and twenty barons aforesaid, in the execution of the premises, and that he will distress Us, jointly with them, to the utmost of his power; and we give public and free liberty to any one that will swear to them, and never shall hinder any person from taking the same oath.

72. As for all those of our subjects, who will not, of their own accord, swear to join the five and twenty barons, in distreining and distressing us, we will issue our order to make them take the same oath, as aforesaid.

73. And

73. And if any one of the five and twenty barons dies, or goes out of the kingdom, or is hindred any other way, from putting the things aforesaid in execution, the rest of the said five and twenty barons may choose another in his room, at their discretion, who shall be sworn in like manner, as the rest.

74. In all things that are committed to the charge of these five and twenty barons, if, when they are all assembled together, they should happen to disagree about any matter; or some of them, when summoned, will not or cannot come, whatever is agreed upon, or enjoined by the major part of those who are present, shall be reputed as firm and valid, as if all the five and twenty had given their consent, and the aforesaid five and twenty shall swear, that all the premises they shall faithfully observe, and cause with all their power to be observed.

75. And we will not, by ourselves, or others, procure any thing, whereby any of these concessions and liberties be revoked, or lessened; and if any such thing be obtained, let it be null and void: neither shall we ever make use of it, either by ourselves, or any other.

76. And

76. And all the ill-will, anger, and malice, that hath arisen between us and our subjects, of the clergy and laity, from the first breaking out of the dissension between us, we do fully remit, and forgive. Moreover, all trespasses occasioned by the said dissension, from Easter in the sixteenth year of our reign, till the restoration of peace and tranquillity, we hereby entirely remit, to all, clergy as well as laity, and as far as in Us lies, do fully forgive.

77. We have moreover granted them our letters-patent testimonial of Stephen lord archbishop of Canterbury, Henry lord archbishop of Dublin, and the bishops aforesaid, as also of Master Pandulph, for the security and concessions aforesaid.

78. Wherefore we will, and firmly enjoin, that the church of England be free, and that all men in our kingdom, have and hold, all the aforesaid liberties, rights, and concessions, truly and peaceably, freely and quietly, fully and wholly, to themselves and their heirs, of Us and our heirs, in all things and places for ever, as is aforesaid.

79. It is also sworn, as well on our part, as

on the part of the barons, that all the things aforesaid shall faithfully and sincerely be observed.

Given under our hand in the presence of the witnesses above-named, and many others, in the Meadow called Runingmede, *between* Windelesore *and* Stanes, *the* 15*th day of June, in the* 17*th year of our reign.*

o—— So as we are first acquainted therewith, or our justiciary, if we should not be in England.

——o And in the same manner, about administering justice, deafforesting the forests, letting them continue.

—÷— Either in England or Wales.—

. ·. For ever.—

*** There are two Copies of the above Charter in the Cottonian library, which are as old as the time of King John. One has the broad Seal, and both appear to be written by the same hand. That which hath no Seal, hath two slits at the bottom, from which, without doubt, originally hung two Seals. The words at the end of the Charter beginning with, "So," and ending with "For ever," are placed in the like manner in the original, and referred to by the same marks.

BILL

BILL OF RIGHTS.

THE

DECLARATION OF RIGHTS

OF THE

PEOPLE OF ENGLAND,

Made by the LORDS Spiritual and Temporal, and the COMMONS, assembled at Westminster, assented to and confirmed by WILLIAM, Prince of Orange, and the Princess MARY, previous to the offer made them of the Crown, by the Convention, February 13, 1689.

WHEREAS the late King James the Second, by the assistance of divers evil counsellors, judges, and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion, and the laws and liberties of this kingdom; by assuming and exercising a power of dispensing with, and suspending of laws, without consent of parliament; by committing and prosecuting divers worthy prelates, for humbly petitioning to be excused from concurring to the said assumed power; by issuing, and causing to be executed, a commission under the

great seal, for erecting a court called The Court of Commissioners for Ecclesiastical Causes; by levying money for and to the use of the crown, by pretence of prerogative, for other time, and in other manner, than the same was granted by parliament; by raising and keeping a standing army within this kingdom in time of peace, without consent of parliament, and quartering soldiers contrary to law; by causing divers good subjects, being Protestants, to be disarmed, at the same time when Papists were both armed and employed contrary to law; by violating the freedom of election of members to serve in parliament; by prosecutions in the Court of King's Bench for matters and causes cognizable only in parliament; and by divers other arbitrary and illegal courses. And whereas, of late years, partial, corrupt, and unqualified persons have been returned and served on juries in trials, and particularly divers jurors in trials for high treason, which were not freeholders; and excessive bail hath been required of persons committed in criminal cases, to elude the benefit of the laws made for the liberty of the subjects; and excessive fines have been imposed; and illegal and cruel punishments inflicted; and several grants and promises made of fines and forfeitures, before any conviction or judgment against the persons upon whom

the

the same were to be levied. All which are utterly and directly contrary to the known laws and statutes, and freedom of this realm.

And whereas the said late King James the Second having abdicated the government, and the throne being thereby vacant, his Highness the Prince of Orange (whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from popery and arbitrary power) did, by the advice of the Lords spiritual and temporal and divers principal persons of the Commons, cause letters to be written to the lords spiritual and temporal, being Protestants, and other letters to the several counties, cities, universities, boroughs, and cinque-ports, for the chusing of such persons to represent them, as were of right to be sent to parliament, to meet and sit at Westminster upon the twenty-second day of January, in the year 1689, in order to such an establishment, as that their religion, laws, and liberties might not again be in danger of being subverted. Upon which letters, elections having been accordingly made; and thereupon the Lords spiritual and temporal, and Commons, pursuant to their several letters and elections, being now assembled in a full and free representative of this nation, taking into their most

serious consideration the best means for attaining the ends aforesaid, do in the first place (as their ancestors in like case have usually done) for vindicating and asserting their ancient rights and liberties; declare,

1. That the pretended power of suspending laws, or execution of laws, by regal authority, without consent of parliament, is illegal.

2. That the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it hath been assumed and exercised of late, is illegal.

3. That the commission for erecting the late court of Commissioners for Ecclesiastical Causes, and all other commissions and courts of the like nature, are illegal and pernicious.

4. That the levying of money for or to the use of the crown, by pretence of prerogative, without grant of parliament, for longer time, or in any other manner than the same is or shall be granted, is illegal.

5. That it is the right of the subjects to petition

petition the king, and all commitments and prosecutions for such petitioning, are illegal.

6. That raising and keeping a standing army within the kingdom in time of peace, unless it be with the consent of parliament, is against law.

7. That the subjects which are Protestants, may have arms for their defence, suitable to their condition, and as allowed by law.

8. That elections of members of parliament ought to be free.

9. That the freedom of speech, and debates or proceedings in parliament, ought not to be impeached or questioned in any court or place out of parliament.

10. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

11. That jurors ought to be duly empanelled and returned, and jurors which pass upon men in trials of high treason ought to be freeholders.

12. That

12. That all grants and promises of fines and forfeitures of particular persons, before conviction, are illegal and void.

13. And that, for redress of all grievances, and for the amending, strengthening, and preserving of the laws, parliaments ought to be held frequently.

And they do claim, demand, and insist upon all and singular the premises, as their undoubted rights and liberties. And no declarations, judgments, doings, or proceedings, to the prejudice of the people in any of the said premises, ought in any wise to be drawn hereafter into consequence or example. To which demand of their rights they are particularly encouraged by the declaration of his Highness the Prince of Orange, as being the only means for obtaining a full redress and remedy therein.

Having therefore an entire confidence, that his said Highness the Prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights, which they have here asserted, and from all other attempts upon their religion, rights, and liberties; the Lords spiritual and temporal, assembled

bled at Westminster, do resolve, That WILLIAM and MARY, Prince and Princess of Orange, be, and be declared King and Queen of England, France, and Ireland, and the dominions thereunto belonging, to hold the crown and royal dignity of the said kingdoms and dominions to them the said Prince and Princess, during their lives and the life of the survivor of them; and that the sole and full exercise of the regal power be only in, and executed by the said Prince of Orange in the names of the said Prince and Princess during their joint lives; and after their decease the said crown and royal dignity of the said kingdoms and dominions to be to the heir of the body of the said Princess; and for default of such issue, to the Princess Anne of Denmark, and the heirs of her body; and for default of such issue, to the heirs of the body of the said Prince of Orange.

And the said Lords spiritual and temporal, and commons, do pray the said Prince and Princess of Orange to accept the same accordingly. And that the oaths hereafter mentioned be taken by all persons of whom the oaths of allegiance and supremacy might be required by law, instead of them; and that the said oaths of allegiance and supremacy be abrogated.

I, *A.B.*

I, *A. B.* do sincerely promise and swear, That I will be faithful and bear true allegiance to their majesties, King William and Queen Mary. So help me God.

I, *A. B.* do swear, That I do from my heart abhor, detest, and abjure, as impious and heretical, this damnable doctrine and position—That princes excommunicated or deprived by the Pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare, That no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority ecclesiastical or spiritual, within this realm.

So help me God.

FINIS.

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